

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

NIKKI BOLLINGER GRAE, Individually and) Civil Action No. 3:16-cv-02267
on Behalf of All Others Similarly Situated,)
) Honorable Aleta A. Trauger
 Plaintiff,)
) [PROPOSED] ORDER GRANTING
vs.) PLAINTIFF'S MOTION FOR DISCOVERY
CORRECTIONS CORPORATION OF) SANCTIONS
AMERICA, et al.,)
)
 Defendants.)
)
)

Having considered Plaintiff's¹ Motion for Discovery Sanctions (the "Motion"), IT IS
HEREBY ORDERED that:

1. Plaintiff's Motion is GRANTED;
2. The following instruction shall be given to the jury at trial in this matter:

The Court has found, and you must accept this finding to be true, that Defendants negligently failed to produce evidence – that is, they withheld relevant evidence pursuant to erroneous claims that the evidence was privileged even though two current judges and one retired judge examined sample sets of withheld documents and found each set contained documents that were not privileged; the percentage of improperly withheld documents varied from sample to sample but each was over 10%, and Defendants continue to withhold over 8,000 documents that no judge has reviewed.

From this Court's findings, you are allowed to infer, or conclude, that Defendants withheld relevant evidence that would have shown something favorable to the Plaintiff and unfavorable to Defendants.

I am not telling you that you have to reach that conclusion, only that you can if you think it reasonable. Whether or not you do so is solely a matter within your collective discretion based on your consideration of this instruction and all of the other evidence in the case.

¹ "Plaintiff" is Lead Plaintiff and Class Representative Amalgamated Bank, as Trustee for the LongView Collective Investment Fund. "Defendants" are Corrections Corporation of America ("CCA") and certain of its executives. Following the filing of this action, Defendants rebranded CCA and now refer to it as CoreCivic.

3. Defendants shall bear all costs and fees associated with the review of documents by Special Master Faith S. Hochberg (ret.).

IT IS SO ORDERED.

DATED: _____ THE HONORABLE ALETA A. TRAUGER
UNITED STATES DISTRICT JUDGE